F1566
.C44
Copy2

F 1566
.C44
Copy 2

A CHAPTER OF NATIONAL DISHONOR

By

LEANDER T. CHAMBERLAIN

Reprinted from "The North American Review" and incorporated at Senator Hitchcock's request as a

SENATE'S DOCUMENT

No. 380-62 D. Congress, March 1912

New edition by special permission from the "North American Review"

IMP. "LAS NOVEDADES"

1915

F1566
.G44
Copy 2

Transferred from
Librarian's Office.
FEB 17 1915

15-5988

A CHAPTER OF NATIONAL DISHONOR

In a recent public statement ex-President Roosevelt declares: "It must be a matter of pride to every honest American proud of the good name of his country, that the acquisition of the (Panama) canal in all its details was as free from scandal as the public acts of George Washington or Abraham Lincoln." "The interests of the American people demanded that I should act exactly as I did act." "Every action taken was not merely proper, but was carried out in accordance with the highest, finest, and nicest standards of public and governmental ethics." "The (1903) orders to the American naval officers were to maintain free and uninterrupted transit across the Isthmus and, with that purpose, to prevent the landing of armed forces with hostile intent at any point within fifty miles of Panama. These orders were

precisely such as had been issued again and again in preceding years, 1900, 1901 and 1902, for instance." "Every man who at any state has opposed or condemned the action actually taken in acquiring the right to dig the canal has really been the opponent of any and every effort that could ever have been made to dig the canal." "Not only was the course followed as regards Panama right in every detail and at every point, but there could have been no variation from this course except for the worse. We not only did what was technically justifiable, but what we did was demanded by every ethical consideration, national and international." "We did harm to no one, save as harm is done to a bandit by a policeman who deprives him of his chance for blackmail." "The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which our right to dig the Panama Canal was secured, and of the manner in which the work has been carried out."

In an addres previously delivered at the "Charter Day" exercises of the University of California, Mr. Roosevelt proudly declared that the securing of that "right" was

his personal act. As reported, he then said: "I am interested in the Panama Canal because I started it. If I had followed traditional, conservative methods, I would have submitted a dignified state paper of probably two hundred pages to Congress, and the debate on it would have been going on yet; but I took the Canal Zone and let Congress debate; and while the debate goes on the canal does also."

And previous to that California address, in his famous message to Congress of January 4, 1904, President Roosevelt wrote: "When this government submitted to Colombia the Hay-Herran treaty (January 22, 1903), it was already settled that the canal should be built. The time for delay, the time for permitting any government of anti-social spirit and of imperfect development to bar the work was past." "I have not denied, nor do I wish to deny, either the validity of the property of the general rule that a new State should not be recognized as independent till it has shown its ability to maintain its independence." "But like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion clear and imperative reasons why a

departure from it was justified and even required in the present instance. These reasons embrace, first, our treaty rights; second, our national interest and safety; and third, the interests of collective ciivlization." "The United States in intervening, with or without Colombia's consent, for protection of the transit, has disclaimed any duty to defend the Colombian Government against domestic insurrection or against the erection of an independent government on the Isthmus of Panama." "That our position as the mandatary of civilization has been by no means misconceived is shown by the promptitude with which the Powers have, one after another, followed our lead in recognizing Panama as an independent state."

It will be more than worth while to examine in the light of ethical principle and international law, of recorded fact and diplomatic precedent, of national honor and treaty pledge, these several statements in which personal boasting, sweeping assertion, and a perfervid invoking of high morality are so interwoven. To present individual character in its due disclosure will be something; but to see to it that history is not be-

lied, and that the requirements of justice are travestied, will be far more.

Certain fundamental considerations must be taken into account in any worthy discussion of the conduct of governments. First, that diplomacy now stands committed to "the extendig of the empire of law and the strengthening of an appreciation of public justice." Second, that "international jurisprudence is based on the moral law and embodies the consensus of civilized peoples with regard to their reciprocal rights and duties." Third, that "all nations stand on an equality of rights—the old and the new, the large and the small, monarchies and republics." It is, accordingly, in view of these considerations, that the Panama imbroglio of 1903 is to be judged.

As one of the parties to that imbroglio was the United States of Colombia (formerly New Granada), there is needed a brief statement of Colombia's history. The United States of Colombia, afterward the Republic of Colombia, was fully established in 1863. Her constitution was patterned on that of the United States of America. Her area, previous to the dismemberment of 1903, was hardly less than 500,000 square miles, or

more than twice the area of Spain and Portugal combined. Her population was at least 4,000,000, or approximately twice that of Norway. Bordering on both the Atlantic Ocean and the Pacific, her coast line was more than a thousand miles, bountifully provided with convenient bays and excellent harbors. Extensive and varied mineral products were elements in her material wealth. But the rarest of her properties, the gem of her domain, was the province of Panama, northernmost of her possessions, at the extreme north of the southern continent. Included in that province was the Isthmus of Panama, narrowest barrier between two oceans. As the American continents were discovered in the search for a westward passage from Europe to Asia, so, through the centuries subsequent to that discovery, the Isthmus of Panama was regarded as the likeliest route for an inter-oceanic canal.

In 1855 an Isthmian railroad was completed along a course substantially the same as must be taken by a waterway. In 1881 a French company undertook the construction of a canal, both railroad and canal having been neutralized. The original construction company failed and a "New Panama Com-

pany" was formed to take over the existing canal rights and obligations, and to complete the undertaking. But the new company also proved unequal to the task; and as early as 1897 it was realized that no private resources would be adequate, and that no government save that of the United States was wholly competent. It was understood that the United States was willing to proceed upon certain conditions.

But meantime, even antedating the establishing of the United States of Colombia, a treaty had been entered into between the United States of America and the government of that same country, to wit: the Republic of New Granada. It was entitled "A treaty of peace, amity, navigation, and Commerce." It was negociated by the respective administrations on December 12, 1846, and was ratified and proclaimed in June, 1848. The preamble reads:

"The United States of North America and the Republic of New Granada in South America, desiring to make lasting and firm the friendship and good understanding which happily exist between both nations, have resolved to fix in a manner clear, distinct, and positive the rules which shall in the future be religiously observed between

each other, by means of a treaty or general convention of peace and friendship, commerce and navigation.

. . . . . .

"Article I. There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of New Granada in all the extent of their possessions and territories, and between their citizens respectiviley without distinction of person or places.

. . . . . .

"Article XXXV. The United States of America and the Republic of New Granada, desiring to make as endurable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly and do agree to the following points:

"First.

. . . . . .

"In order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by Articles IV., V., and VI. of this treaty (articles which secure to the United States reciprocal privileges of importation and tonnage dues, and equal customs duties), the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed

in a future time while this treaty exists; and in consequence the United States also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory.

"Second. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of ratifications.

. . . . . .

"Third. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of or all the articles of this treaty twelve months before the expiration of the tyenty years specified above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

. . . . . .

"Sixth. Any special or remarkable advantages that the one or the other power may enjoy from the foregoing stipulations are and ought to be always understood in virtue and in compensation of the obligations they have just contracted, and which have been specified in the first number of this article."

Such is the solemn traty of 1846; a treaty "to make lasting and firm the friedship and good understanding which happily exist between the United States and New Granada" (now Colombia), whose stipulations were to

be "religiously observed"; a treaty decreeing "a perfect, firm, and inviolable peace and sincere friendship" between the two nations; a treaty in which, as compensation for specified "advantages and favours", the United States "positively and efficaciously" guaranteed to New Granada "the perfect neutrality of the Isthmus" and, in the same manner, "the rights of sovereignty which New Granada has and possesses over the said territory"; a treaty terminable on twelve-months' notice. The practical interpretation and application of the treaty are plain.

Under date of February 10, 1847, only two months ofter the initiation of the treaty, President Polk, in a special message to the Senate, said:

"There does not appear any other effectual means of securing to all nations the advantages of this important passage, but the guarantee of great commercial powers that the Isthmus shall be neutral territory. . . .

"The guarantee of the sovereignty of New Granada over the Isthmus is a natural consequence of this neutrality. . . . New Granada would not yield this province that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish or maintain an independent severeignty. But a civil govern-

ment must exist there to protect the works which shall be constructed. New Granada is not a power which will excite the jealously of any nation."

The neutrality guaranteed to New Granada undoubtedly referred to foreign nations only. It was against interference by an outside government, interference which might, among other evil results, interrupt the transit from the one to the other sea. Similarly the guarantee of New Granada's "rights of sovereignity and property" was with primray reference to an invasion by a foreign power, which might imperil the Isthmian transit. And since the paramount issue in the case of both the neutrality and sovereignty which the United States guaranteed was the safeguarding of the transit, there was a valid implication that the United States, on due occasion and especially at New Granada's request, would give aid against transit interference from any source whatever, whether foreign or domestic.

The direct authority, however, to be cited by the United States as warrant for the aid actually given to New Granada (now Colombia) in the maintenance of free Isthmian transit, as also the clear ground of the duty

of the United States to render such aid, is in the fact that by the treaty of 1846 New Granada distinctly pledged herself to keep the said transit inviolate for the free use of the goverment and citizens of the United States.

"The government of New Granada guarantees to the government of the United States that the right of way or transit across the Isthmus of Panamá upon any modes of transportation which now exist, or that may be hereafter constructed, shall be open and free to the government and citizens of the United States, and for the transportation of any articles of lawful commerce belonging to the citizens of the United States."

That guarantee by New Granada, in a treaty of "peace, amity, navigation and commerce," a treaty "to make lasting and firm the friendship and good understanding" of the two nations, established a relation between the United States and New Granada, in which mutual aid became not only rightful, but also assured. Henceforth it was to be implicity relied upon that if the weaker nation was temporarily incapable of a perfect fulfilment of its guarantee, the stronger nation would, upon request, lend assistance. In New Granada's guarantee, acknowledged by the United States as an "advantage and

favor" received, is the original and sufficing basis for the right and obligation of helpful interference by the United States, in the emergency of transit interruption. A corroborative, complementary basis also exists in the avowed motive and purpose of the counter guarantee by the United States of New Granada's neutrality and sovereignty —"with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in a future time while this treaty exists." Yet the prime basis lies in New Granada's pledge which the United States gratefully accepted.

But beyond the bounds of such reciprocal right and obligation the United States might not go. In emergencies other than the disturbance of interoceanic transit, or peril to the persons and possessions of Americans, there might be no intervention in the affairs of New Granada (now Colombia). By the law of nations and the terms of the treaty itself, Colombia, as the successor of New Granada, was the sovereign peer of the United States. Save for the main purpose of protecting free transit and thus safeguarding her own interests in such transit, the United States might no more land her

forces on Colombia's soil, or even threaten such landing, than she might land her forces, or threaten to land them, on the soil of Rusia or Japan.

Nor is even this the full measure of the restraint which the Executive of the United States was bound to recognize and respect. It has been conceded that the guaranteed neutrality and sovereignty had reference to foreign powers. But it is to be borne in mind that in guaranteeing Colombia's neutrality and sovereignty as against foreign powers, the United States distinctly decreed and surpassingly emphasized her own exclusion from acts of invasion. She determinately erected an impassable barrier against her own interference with Colombia's independent authority. And this, in the simple fact that she herself was a "foreign nation"! The treaty inhibition affected her, first of all. She virtually named herself in the guarante; and the guarantor, being thus included in the inhibition, was, beyond all others, forbidden to violate its terms. Otherwise it were as if the guardian of a dependent child should record his oath and give his bond to defend his charge against all unlawful acts, and then should himself expropriate

his ward's possessions and assume dictatorial control. It were as if an officer of the law sworn to uphold the citizen's rights, and to lay violent hands on no man save by statutory warrant and command, should wantonly assail the helpless and ruthlessly strike down the unoffending. Being a nation foreign to Colombia, the United States, in her "positive and efficacious" guarantee, freely placed herself under supreme restraint.

With the civil wars of Colombia the United States had no concern, save as they harmfully affected the persons or possessions of American citizens, or interrupted or endangered Isthmian transit and traffic. Yet on November 6, 1903, Colombia was informed that

> "The President holds that he is bound to see that the peaceable traffic of the world across the Isthmus of Panamá shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars."

The official records are open. Those records will either uphold the Presidential assertion or they will prove it to be wild and inexcusable. Let it be seen to what extent from the establishing of the United States

of Colombia in 1863 to the Panama imbroglio of 1903, Isthmian transit was so disturbed that the interference of the United was required!

In March, 1865, our Panama consul was apprehensive of harm from local lawlessness, and a few marines guarded the consul and other citizens for thirteen hours. In May, 1873, a small force of marines and sailors protected the persons and property of American citizens in Panama for fifteen days. In September of the same year, a similar service was rendered for sixteen days. In January, 1885, twelve marines guarded property in Colon for thirteen and one-half hours. Later in the same year, Isthmian transit was seriously interrupted and forces were landed, for fifty-six days. Toward the close of 1901, protection of transit was required for fourteen days. In the autumn of 1902 transit was guarded for sixty-two days.

Thus during full forty years, United States forces were employed in only seven instances and for a total period of 164 days. In each case the forces were employed with Colombia's approval. In no case was there fighting, the mere precautionary measures being sufficient. In no case did the force

exceed 824 men. Moreover, in four out of the seven instances there was no "interruption of transit," only an apprehension of peril to persons and property. In fine, Isthmian transit was interrupted in only three instances in the forty years of Colombia's history, and for only 132 days!

Yet the President officially represented that Isthmian transit had been disturbed almost incessantly for many years; that interruption was the chronic condition. A constant disturbing cause bringing about a virtually constant disturbance! In the comparison, the increase of Falstaff's men in buckram—"eleven grown out of two"—was accuracy itself: three reduplicated into an implied constant succession! What of the author of such assertion? It would appear that he then took for his motto, Throw mud vigorously, some of it will stick—**"Asperge fortiter, aliquid adhaerebit."** That was on November 6, 1903.

Meantime, on June 25, 1902, the President gave his approval to the Act commonly called the "Spooner Act," looking toward the construction of an Isthmian canal. That act embodied the decision of the United States in favour of the Panama route. It authorized

the President to acquire, if possible, at a cost not to exceed a certain sum, "the rights, privileges, frachises, concessions," and all other assets of the "New Panama Company"; and to obtain from Colombia on such terms as he considered to be fair, perpetual control (not cession) for canal purposes of a strip of land from ocean to ocean not less than six miles wide,, such control to include the emergent defense of the canal, the instituting of needful legal tribunals, and the making and enforcing of the requisite police and sanitary regulations. The act also provided that if, from the Canal Company and the Colombian Government, the President was unable to obtain satisfactory terms within a reasonable time, the route known as the "Nicaragua Route" should be adopted.

After the passage of the "Spooner Act," the Colombian Administration—not Colombian **in propria persona,** but only the Colombian Administration—initiated negotiations in favor and furtherance of the Panama route. Those negotiations led, on January 22, 1903, to the well-known "Hay-Herran Convention." In that convention Colombia, was to give to the United States jurisdiction over the desired strip of land, and to concede

the right to construct and operate a canal for a period of one hundred years, renewable at the option of the United States for periods of a similar duration. The convention reaffirmed Article XXXV of the treaty of 1846, and explicitly provided that only in exceptional circumstances, on account of unforseen or imminent danger to the canal, railways, or other works, or to the lives and property of the persons engaged upon them, should the United States employ its armed forces, without previously obtaining the consent of Colombia; and that as soon as sufficient Colombian forces should arrive, those of the United States should be withdrawn. But the Hay-Herran convention being simply an agreement between the respective administrations, was necessarily dependent for its vital force upon its ratification by the respective Senates. It was expressly stipulated that

"The convention, when signed by the contracting parties, shall be ratified in conformity with the laws of the respective countries."

The Washington Administration has urged that any two governments, in initiating a treaty, "bind themselves, pending its

ratification, not only not to oppose its consummation, but also to do nothing in contravention of its terms." That is true of governments in the limited sense of the Executive, the Administration, but it does not apply to the attitude and act of a nation's congress; and in the final event the ratifying power is to proceed in accordance with its own reasoning and conviction, no matter what administrations may have stipulated or done. Furthermore, as the Canal Company could, in no case, tranfer its rights and possessions, without the consent of Colombia, the first article of the Hay-Herran convention provides:

"The government of Colombia authorizes the New Panamá Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions as well as the Panamá Railroad and all the shares or parts of the shares of that company."

Of couse, that and the other provisions of the administrational agreement were to came before the Colombian Senate for consideration; and that Senate, like any other independent legislature, was bound to take full cognizance of the matter, and freely dis-

cuss all offered amendmnets. Yet even before the Colombian Senate convened, the American minister to Colombia, on April 24, 1903, addressed the following note to the Colombian Minister of Foreign Relations:

"I am directed to inform your Excellency, if the point should be raised, that everything relative to this matter is included in the convention recently signed between Colombia and the United States, and that, furthermore, any modification would be violative of the 'Spooner Act' and therefore inadmissible."

Again, and still in advance of the session of the Colombian Senate, the Minister of Foreign Relations was advised that

"If Colombia should noy reject the treaty or unduly delay its ratification, the friendly feeling between the two countries would be so seriously compromised that action might be taken by the Congress next winter which every friend of Colombia would regret."

And after the Colombian Senate was in session, on August 5, 1903, further warning was sent through the Colombian Minister of Foreign Relations, to the effect that apparently the force of the notes of April 24th and June 13th had not been duly appreciated as

"the final expression of the opinion or intention" of the Washington Government. The warning proceeded:

"If Colombia desires to maintain the friendly relations which at present exist between the two countries, and at the same time to secure for herself the extraordinary advantages that are to be produced for her, ... the present treaty will have to be ratified exactly in its present form, without amendment whatsoever."

Yet the Hay-Herran instrument itself provided that "The convention, when signed by the contracting parties, shall be ratified in conformity with the laws of the respective countries." Assuredly! Else the mere Executive, the mere Administration, would have full and final authority in matters involving the nation's vital interests—to a fatal usurpation of the power of Congress. The Senate of the United States has again amended, and rejected, treaties which had been duly negociated by the Administration. Still the Washington Administration, peremptorily forbade Colombia's Senate either to amend or reject!

Was this attempted coercion "not only technically justifiable, but demanded by every ethical consideration national and in-

ternational"? Was it "as free from scandal as the public acts of George Washington and Abraham Lincoln"? In utmost soberness of inquiry, did any civilized representative of superior power ever indulge in browbeating so pitiable and so pitiless? Can such cowardly disrespect be matched in the annals of treatymaking nations? And that, on the part of the Executive of a great republic which professed to do justice and to love mercy, and against a nation helpless, yet standing in a relation of acknowledged equality of sovereignty and independence! A nation at whose hands we had confessedly received important "advantages and favors"! A nation to which we were bound by an inviolable treaty of "peace and amity," of "friedship and good understanding"; a treaty whose stipulations were to be "religiously observed"! That nation coolly informed that if, in the exercise of her indisputable prerrogative, she followed what might be her patriotic judgment, she should suffer a retribution whereat the ears of them that heard should tingle!

What must be the character and culture of the President who proudly affirms that such was his highest conception of what was "de-

manded by every ethical consideration," and should be "a matter of pride to every honest American"?

After long and vehement debate and postponement to an extra session, the American Senate, on March 17, 1903, ratified the treaty. After long and earnest debate, the Colombian Senate, on August 12, 1903, despite the President's unveiled threat, refused ratification, and adjourned on October 31st.

It is to be distinctly observed at this point that, while there was no stipulation for the absolute cession to the United States of the Canal Zone, there was to be perpetual occupancy and jurisdiction—periods of one hundred years, with the option of renewal by the United States, but no opiton of rejection by Colombia—the construction of vast and permanent works, the right to safeguard those works, along with police and sanitary control. The constitutional authorities in the Colombian Senate held that such a grant, although less than absolute cession, was contrary to the nation's organic law. They regarded it as, so far forth, a surrender of national sovereignty, notwithstanding the statement that "the United States freely acknowledges and recognizes this soverign-

ty (of Colombia) and disavows any intention to impair it in any way whatever." Would the constitutional authorities in the Senate of the United States be likely to hold otherwise in case it was proposed to grant to a foreign power a similarly endless occupancy and jurisdiction of a part of our national domain? Would they admit that their discussion of that issue might fairly be regarded as factious and deceitful? Yet, as has been pointed out, it was proposed in the deliberations of the Colombian Senate so to amend the constitution that the apprehended legal objection should be removed!

As for the consideration which prompted the adverse action of the Colombian Senate, it may be said that in any case they were properly beyond our official animadversion or even official discussion. High-minded diplomacy usually holds in courteous respect the motives which may have inspired the legislative act of a sovereign nation. Yet in addressing Colombia our Administration ascribed to her the basest of motives. The mere opinion of our minister to Colombia was cited as showing that the Senate's discussions were prolonged, and the ratification finally rejected, with the sordid view of hold-

ing up the construction of an Isthmian waterway, and thus being the better able to exact terms from the United States. Further, what was only a report of the Colombian Senate's "Committee on the Panama Canal" was officially quoted as proof of that accusatory opinion. The following statement was published in a rejoinder to Colombia's Minister Plenipotentiary in Washington.

"By a report of the majority of the Panamá Canal Committee, read in the Colombian Senate on the 14th of October last, it was recommended that the bill which had been introduced to authorize the government to enter upon new negotiations should be indefinitely postponed. The reason for this recommendation is disclosed in the same report. . . . By a treaty concluded April 4, 1893, the original concession to the Panamá Canal Company was extended until December 31, 1904. The report (of the Colombian Senate's Committee) affirms that the aspect of the question would be entirely changed in consequence of the fact that when a year later the Colombian Congress should meet in ordinary session, the extension of 1893 would have expired and every concession with it. In that case . . . the Republic would become the possessor or owner, without any need of a previous judicial decision and without any indemnity, of the canal itself and of the adjuncts which belong to it; and would not only be able to contract without any impediments, but would be in more clear, more definite, and more advantageous possession both legally and materially."

The Administration's official statement continues:

"This programme, if not expressly, was at least tacitly adopted by the Colombian Congress. . . . It was a scheme to which this government could not possibly become a party."

And that, although the Colombian Senate was a national legislature and had acted withing its sovereingn rights!

Is it conceivable that the President would have cast such innuendoes and accusations in the face of Great Britain or Germany or France? Would he have tolerate such open affront on the part of any other nation? To ask the questions is to answer them. The physical weakness of Colombia should have been her triple proteciton. Toward helplessness power should have felt itself bound by a chivalrous **noblesse oblige.** It is safe to say that never in the previous history of civilised diplomacy was there such a public, official characterisation by one nation of another nation's motives for legislative action. Therein the President's conduct was audaciously wrong.

At this point the President vainly seeks

his vindication by a reference to practical results. He says:

"Be it remembered that unless I had acted exactly as I did act, there would now be no Panamá Canal. . . . . Every man who at any stage has opposed or condemned the action actually taken in acquiring the right to dig the canal has really been the opponent of any and every effort that could ever have been made to dig the canal."

Here is a veritable "Daniel come to judgment"! The great Burke professed his inability to draw a valid indictment against the people of a whole nation; but this self-eulogizer finds no difficulty in denouncing the innumerable critics of his Panama action under the one base category of those wishing to deprive the world for ever of a waterway from the one to the other sea! No matter how many the dissidents, nor how worthy their reputation and achievements, nor how earnestly explicit their declaration that they yielded to none in their desire for inter-oceanic navigation, they are charged with hostility to any Panama Canal whatever!

How insensate the President's charge! As of those who were confident that Colombia would appreciate decent treatment, and would agree to amended but still reasonable

terms, were thus confident without a vestige of reason! He himself had already declared:

"Colombia, after having rejected the treaty in spite of our protests and warning when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the *status quo* could be restored."

He had furthermore, and for his own purposes, quoted a Colombian high official as affirming, on November 6, 1903—the very day on which the Panama insurgents were recognised as having established a new nation—in a note to the American minister at Bogotá, that on certain conditions

"The Colombian government will declare martial law and, by virtue of vested constitutional authority when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the government of the the United States prefers, will call extra session of Congress with new and friendly members next May, to approve the treaty."

The American minister at Bogotá adds, "There is a great reaction in favour of the treaty." On January 6, 1904, Colombia's

Minister Plenipotentiary at Washington officially declared:

"The necessity of the canal is so well recognised in Colombia that it was proposed in the discussion in the Senate to amend the Constitution in orther to remove (what Colombia regarded as) the constitutional difficulties; and the Minister of Foreign Relations, after the sessions of Congress were closed, directed the *chargé d'affaires* to advise the Washington government that the government of Colombia was ready to enter into renewed negotiations for a canal convention."

He further averred that the fact of the rejection of the Hay-Herran convention

"does not mean that we have been opposed, nor that we are opposed, to the realization of the greatest undertaking of the kind which the past and future centuries have seen or will see. . . . I have been directed to declared to your government that Colombia, earnestly wishing that work of the canal be carried into effect, not only because it suits her interests, but also that of the commerce of the world, is disposed to enter into arrangements that would secure for the United States the execution and ownership of the said work. . . . The charge made against the government of Colombia that it proposes to cancel the concession of the French Company vanishes as soon as it is known that under the latest concession granted by Colombia the said concession would not lapse until the year 1910."

Who can doubt that, if the President had curbed his angry impatience, and withheld his irritating, insolent threats, Colombia's Senate would have acceded to terms rightly advantageous to both countries? Who disbelieves that, if, as was our acknowledged, perfect right, we had invoked the third "point", of Article XXXV of the treaty of 1846—to wit,

"The said treaty shall be binding on both parties until twelve month from the time that one of the parties notifies its intention of proceeding to a reform"—

Colombia would have been duly impressed with the gravity of her situation, and have earnestly striven to come to terms with her indispensable ally? Accordingly it is pure hardihood for the President to affirm, "Unless I had acted exactly as I did act, there would now be no canal." It is simple slander, silly slander, when he says, "Every man who at any stage has opposed or condemned the action actually taken in acquiring the right to dig the canal has really been the opponent of any and every effort that could ever have been made to dig the canal." His critics asked that the right to dig the canal

might be acquired by lawful means. Being enthusiastically in favor of an interoceanic waterway, they only demanded that "a decent respect for the opinion of mankind," a substantial regard for international law and treaty obligations, should guide the acts of the Washington Administration. It certainly is not too much to suppose that if their protests had been heeded, we should now have a canal whose title would be wholly free from stain, and whose advantages might be enjoyed with complete self-respect.

In this chapter of national dishonor there are still other transactions to be considered.

The President, according to his published admission, was aware as early as August, 1903, that the secession of the Province of Panamá was secretly fomented. He has openly declared that, toward the end of October, the attempt "appeared to be an imminent probability." In his message to Congress, of January 4, 1904, he said:

"In view of these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus, in the event of need arising. . . . On November 2nd the following instruction were sent to the commanders of the *Boston, Nashville,* and *Dixie*: 'Maintain free and uninterrupted transit. . . . .

Prevent landing of any armed force, either government or insurgent, within fifty miles of Panamá."

That is, in time of profound peace between Colombia and the United States; while the treaty of "peace and amity," of "friedship and good understanding," was in undisturbed force; while it was still written, "There shall be a perfect, firm, and inviolable peace and sincere friendship"; while the neutrality and sovereignty of Colombia were solemnly and gratefully guaranteed by the United Stated as against interference by foreign powers, and therefore against interference by the United States herself; while Isthmian transit was absolutely free from interruption; while there was no slightest overt act on the part of the would-be seceders; and while Colombia's acquiescence had not been so much as requested, Colombia was forcefully forbidden to land her own troops within fifty miles of the city of Panama, where, if anywhere, the secession would be attempted! In other words, the success of the revolt, whenever it might occur, was resistlessly decreed. When the President of the United States issued the "fifty mile order" of November 2, 1903, he virtually declared

war against the very nation of which the United States was the sworn ally, and to which the United States was united by obligations admittedly paramount. He bound Colombia hand and foot and delivered her over to her domestic foes.

Yet the President, in his floundering attempts at self-defence, declares that

"These orders were precisely such as had been issued again and again in preceding years—1900, 1901, and 1902 for instance."

But no identity, nor even resemblance, appears when the orders of those preceding years are brought into comparison. Here is the record. On July 25, 1900, our Consul at Panama was thus instructed:

"You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panamá. The bombardment of Panamá would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the treaty."

Here was simply a protest in advance of possible harm. It was merely a warning of Colombia that she would pursue a certain

course upon her own responsibility, and that the United States would interfere if free transit was interrupted. On November 20, 1901, this telegram was sent to our Panamá consul:

"Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease, and that the United States will prevent the interruption of traffic upon the railroad. Consult with captain of the *Iowa*, who will be instructed to land marines if necessary for the protection of the railroad in accordance with the treaty rights and obligations of the United States."

That order went no further than to demand that interruption of transit should cease, and to provide means, in case of necessity, for enforcing the demand. On September 12, 1902, the commander of the **Ranger**, then at Panamá, was notified:

"The United States guarantees perfect neutrality of Isthmus, and that a free transit from sea to sea be not interrupted or embarrassed. . . . Any transportation of troops which might contravene these provision of treaty should not be sanctioned by you, nor should use of road be permitted which might convert the line of transit into theatre of hostility."

Here, again, was a merely admonitory order, sent to forestall any use of the transit line which would destroy its legitimate function by making it, unnecessarily, the scene of armed conflict.

Thus the official record shows that, so far from countenancing the "fifty-mile order," the asserted precedents clearly condemned it. In direct refutation of the President's declaration is the fact that the "previous orders were: first, in accordance with Colombia's understanding and wish; second, that they sought, in authorised ways, to safeguard Isthmian transit from critically impending or actual interruption; third, that they constituted no assault upon either the supreme jurisdiction or the supremely free action of Colombia. The "fifty-mile order" grossly offended in all these respects. It was known to be infinitely abhorrent to Colombia as a sovereign nation; it had prime reference to an apprehended political insurrection against Colombia's territorial integrity and national control, with only consequential reference to a possible transit interruption; it laid essentially violent hands on Colombia's sovereignty; it forcibly prevented Colombia from taking precautionary measures;

it was a virtual declaration of war. Colombia was suddenly, peremtorily restrained from the free disposition of her own troops on her own soil. The venerable treaty whose stipulations were to be religiously observed was, so far forth, flung aside as vacuous and its covenants trampled in the dust!

The President's search for justifying precedents was foredoomed to failure. There was a vast improbability that the history of the United States would furninsh any analogy of such despotism. The President should have known beforehand—doubless he did know—that the outrage was wholly novel, conspicuous in its infamous isolation. An unoffending ally fettered and gyved, in forecast of her instinctive movement for self-preservation! The President's act was truly monumental. It was altogether and characteristically his own.

Imagine that when the Confederate forces threatened Washington, a nation whose strength outmeasured ours as ours outmeasured Colombia's had forbidden our Government to send troops within fifty miles of the endangered capital. Imagine that the dictating nation was bound to us by treaty pledges of "inviolable peace and sincere

friendship." Imagine that our Government had guaranteed that nation, to the effect that its legation in Washington should not be imperiled. Yet that when we thought to safeguard the capital from secession's deadly attack—all legations being then unmolested, and it being by no means sure that, even if there was armed conflict, any legation would be injured—our overawing ally forcibly prevented our proposed defensive action, thus handing us over to our assailants; making our disruption a certainty foregone and absolute! What, in that case, would have been our feeling and judgment? What would have been the verdict of the civilized world? Would it have been conceded by us, or by anybody, that the interdict was other than atrocious? On the very face of it, and in its very nature, the peremptory ban would appear as unspeakablly abusive.

But the President tells us that he then knew, and now knows, no standard of public and governmental ethics "higher, or finer, or nicer"! Perhaps he is entitled to the plea.

The "fifty-mile order," however, was destined to be outdone. On the succeeding day, November 3, 1903, the following order was

sent to the commander of the **Nashville** at Colon:

"In the interests of peace make every effort to prevent government troops at Colon from proceeding to Panamá. The transit of the Isthmus must be kept open and order maintained."

The President's repressive determination was not to be balked. As yet, our Panama consul had forwarded only the news of what he called an "uprising" in that one city! Yet the President issued and order preventing Colombia from moving her own troops, **via** her own railway, from her own Colon to her own Panamá! So far as concerned their freedom to go to the scene of danger, Colombia's troops were reconcentradoed and manacled! Let is still be borne in mind that there was no interruption of transit by either loyalist or insurgent. Let it be taken into account that the President, himself, under the pretense of maintaining peace and order when peace and order perfectly prevailed, violently interrupted free transit, absolutely closing it to the forces of sovereign Colombia, a treaty-bound ally of the United States!

In self-exculpation, the President has declared that

"The theory that the treaty obliged the government of the United States to protect Colombia againts domestic insurrection or its consequences finds no support in the record, and is in its nature inadmissible."

Well said! But, conversely, the treaty did obligate the Government of the United States not to take sides against Colombia in any conflict she might have with the agents of domestic insurrection. In both its letter and spirit the treaty did bind the President of the United States not to predoom an ally to defeat in the face of attempted dismemberment. The treaty did make it inevitable that such crushing hostility should forever appear as gratuitous perfidy.

What the Washington Government should have done, in place of the cruel "fifty-mile order" and the still more cruel repression of the following day, was to respect Colombia's right to a perfectly free moving of her troops, whether overland or by sea, or by her Isthmian railway; at the same time notifying Colombia that any interruption by her of Isthmian transit, if not absolutely

necessary to her self-protection, would be prevented by American forces. But the President, in a deliberate, calculating forecast of the Panama insurrection, joined forces with the seceders and conquered Colombia in the interest of secession.

The true quality of the President's procedure will be the more clearly perceived through a moment's consideration of what, in such a crisis, Colombia herself might rightfully have done. Colombia had the indisputable right to defend herself against disruption. In case of actual civil war or its perceived imminence, especially civil war involving territorial integrity, any nation may take such measures, within the recognized rules of warfare, as that nation may deem needful. The right of self preservation is elemental. It inheres not only in national sovereignty, but also in national existence. Not even treaty stipulations can be set up in contravention of it. Accordingly, Colombia, if threatened by secession, might herself, were it in the imperative interests of self-preservation, close Isthmian transit to all except her own troops. Or she might close it to all except herself and the United States. Or she might impose special condition to

which everybody using the transit must temporarily conform. In other phrase, Colombia if vitally assailed might take supreme control of all the resources within her domain. Her inherent sovereignty, whether guaranteed or not, would give her a right paramount to the rights of even her allies. In fine, in the emergency of self-preservation, the control of Isthmian transit was copletely Colombia's. In that case, the President of the United States was authorized to do no more than see to it that Colombia's interruption, or closure, of transit was neither wantonly imposed nor unreasonably prolonged. Only on proof os such wantonness or unreasonableness would there be just cause of offense. To hold otherwise would be to hold that, in our own Civil War, foreign nations might justly complain because our blockade of an insurgent coast rendered nugatory, for the time being, their long standing right to navigate our ports and rivers.

Let, then, the "fifty-mile order" of November 2, 1903, and the still severer interdict of the following day be judged in the light of those "first principles."

No doubt, upon the bombardment of Panama and the threatened violence to Amer-

icans in Colon, United States troops were rightly landed to protect American citizens and their possession. Such precautions are sanctioned by humane considerations and by universal precedent concerning a government's duty to protect its unoffending people. But that has nothing whatever to do with the President's forbidding Colombia so much as to attempt her self-defense. For the "fifty-mile order," and for the preventing of Colombia from moving her troops which were already within the fifty-mile limit, modern history offers no counterpart and international law no sanction. It was sheer usurpation! Yet the author of that sheer usurpation emphatically avers that so far as his acquaintance with diplomacy and international law extends, or his education in the first principles of national sovereignty has advanced, his couse was superlatively right. His words are:

"Not only was the course followed as regards Panamá right in every detail, but there could have been no variation from that course except for the worse. We not only did what was technically justificable, but we did what was demanded by every ethical consideration, national and international."

He vehemently declares that he did as well as he knew how! To believe it would be a relief.

In the final act of the drama, events move with accelerated swiftness. As we have seen, on November 2, 1903, in time of profound peace between Colombia and the United States, while there was no slightest interruption of transit, the President's amazing "fifty-mile order" was issued. On the evening of November 3, at six o'clock, de **émeute** which the President had anticipated took place in the city of Panama, the chief promoters being "the fire department." The less than two hundred Government soldiers were "persuaded" to join the movement. The few Government officials were taken prisioners. "Four hundred Colombian soldiers landed at Colon." This was received in Washington at 9.50. P.M. of November 3rd. One hour and twenty-eight minutes later—**viz.,** at 11.18—word was returned directing the commander of the **Nashville** to "make every effort to prevent Government troops at Colon from proceeding to Panama." That is, in eighty-eight minutes from receipt of notice of an "uprising"—it was so named in the despatch—in the one city of Panama, the

President transcended his "fifty-mile order" of the previous day, and embargoed Colombia's troops that were already withiin the "fifty-mile" limit. The next day, November 4th, at 9.50 in the morning came the consular assurance, "The troops will not be moved... (Colombian) gunboat **Bogotá** threatens to bombard the city to-day"! At two minutes past noon of that same November 4th, a telegram was sent directing that the **Bogotá** cease the "wanton shelling of Panamá." It was significantly added, "We shall have a naval force at Panamá in two days." At 7.10 P.M. of that same November 4th, a telegram from the Panamá consul announced that a proclamation of independence had been issued by the insurgents, and that three persons had been deputed to draw up a form of government. During the following day, November 5th, the interchange of telegrams respecting the details of the situation was frequent and urgent. On November 6th, at 12.51, the following Government message was sent to our Panama consul:

"The People of Panamá have by an apparently unanimous movement dissolved their connection with the

Republic of Colombia and resumed their independence. When you are satisfied that a *de facto* government, republican in form and without substancial opposition from its own people, has been established in the State of Panamá, you will enter into relations with it as the responsible government of the territory."

A mere consul authorized to acknowledge a new nation, as soon as he thinks that a republican form of government has been put in operation! And then, "to make assurance doubly sure," one hour and fifty-four minutes later, at 2.45 P.M., for the consul's guidance "in the execution of the instructions" just cabled to him, the transmission of a copy of a telegram already sent to the United States minister ot Bogotá:

"The people of Panamá. . . . having adopted a government of their own, republican in form, with which the government of the United States of America have entered into relations, the President of the United States. . . most earnestly commends to the governments of Colombia and Panamá the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not only by the treaty obligations, but by the interest of civilization, to see that the peaceable traffic of the world across the Isthmus of Panamá shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars."

(We have already traced the record: interruption from any and all causes, in the forty years of Colombian history, of only one hundred and sixty-four days). Had the President wholly forgotten his Latin: **Mendacem memorem esse oportet?**

Thus at 12.51, midday, November 6, 1903, the President recognized the new nation, the Republic of Panama! From the November 2nd of the "fifty-mile order," four days! From the 7.10 P.M. of November 4th, when announcement came that a proclamation of independence had been issued by the insurgents, one day, seventeen hour, and forty-one minutes!

Beyond peradventure, civilized diplomacy affords no analogy of that recognition of the Republic of Panamá. Under a treaty specifically guaranteeing, as against all foreign nations, Colombia's "rights of sovereignty and property" over the identical territory in question, and also that territory's efficacious "neutrality," a treaty whose stipulations were to be "religiously observed," the President of the guaranteeing nation, itself unavoidably included in the treaty's provisions, forcibly disabled Colombia from taking the slightest precautionary measure against se-

cession; continued and expanded his hostility; and then, **in one day, seventeen hours, and forty-one minutes** from the insuance in the one city of Panamá of an insurgent proclamation of independence, recognized a new sovereignty! A popular uprising, at a single point, of less than one-tenth of the population of the province of Panamá; no revolutionary committee representing the other five districts of the province; no formulated statement of grievances; no congress, no army, no navy, no courts of justice, no financial stability, evidently unable to withstand the forces of the parent country; yet an admission to the great sisterhood of nations! Admitted in less time than measures two revolutions of the earth in its axis! It is ample cause for thankfulness that the annals of civilization are sullied by no sustaining precedent.

In a note of Mr. Seward, Secretary of State, to Mr. Adams, American minister at the Court of St. James, in 1861, he said:

"We freely admit that a nation may, and even ought to, recognize a new State which has absolutely and beyond question effected its independence and permanently established its sovereignity; and that a recognition in such case

affords no just cause of offense to the government of the country from which the new State has detached itself. On the other hand, we insist that a nation that recognizes a revolutionary State *with, a view to aid its effecting, its sovereignty and independence* commits a great wrong against the nation whose integrity is thus invaded, and makes itself responsible for a just and ample redress. . . To recognize the independence of a new State, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in any case the welfare of two nations and often the peace of the world. In the European system this power is now seldom attemped to be exercised without invoking a consultation or congress of nations. That system has not been extended to this continent. But there is even a greater necessity for prudence in such cases in regard to American States than in regard to the nations of Europe. . . . Seen in the light of this principle, the several nations of the earth constitute one great federal republic."

There spoke the informed conviction of a real statesman, and therein appears the immemorial practice of honorable governments.

Suppose that when we were at the threshold of our last domestic struggle, as soon as those disaffected had declared their scheme, Great Britain had decided that the dismembering purpose was already accom-

plished; and, when the second twenty-four hours was scarce more than half over, had accorded the revolted States the full prerogatives of independent sovereignty! Our patriotic indignation would have known no bounds. Like jealous love, it could not have been quenched by many waters nor drowned by floods. The flame of our anger would have "burned to the lowest hell." Life, fortune, sacred honor would have been freely cast into the sacrificial balance. Amazed resentment, "hors'd upon the slightless couriers of the air, would have blown the horrid deed in every eye!"

The President naively refers to Panamá's secession as but a "resuming of her independence." Such is the phrase in his telegram of recognition. In his message to Congress, of January 4, 1904, he says:

> "A third possibility was that the people of the Isthmus who had formerly constituted an independent State, and who recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, and declare their independence on just grounds."

But in no proper sense of the terms was Panamá ever an "independent State"; nor was

it by a "recent and loose tie of federal relationship" that Panama was united to Colombia. In 1840 the provinces of Panamá and Veragua seceded from New Granada; but so brief and futile was the separation that history simply records the departure and return. In 1857 Panamá, availing herself of a new provision of the central Constitution, assumed such quasi-independence as was consistent with a federal connection with the central Government—precisely that and no whit more! Even that quasi-independence under a federal relationship lasted only four years. In 1863 Colombia became successor to New Granada with Panamá as an integral part of the new Government. From 1886 to 1903, the province of Panamá was as absolutely identified with Colombia as Massachusetts with the United States. Not at all the President's loose tie of federal relationship of comparatively recent origen, but a scarcely interrupted integral relationship of almost half a century, and a final absolute identity of nearly a score of years!

To return, the President says:

"I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new

State should not be recognized as independent till it has shown its ability to maintain its independence. . . . But, like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion, clear and important reasons why a departure from it was justfied and even required in the present instance. These reasons embrace, first, our treaty rights; second, our national interests and safety; and, third, the interests of collective civilization."

Could there be a more decisive disclosure of the President's personality and development than his invocation of "exceptions to a principle"? Could there be a more significant revelation of his attainments in moral science? It had been taken for granted that a "principle," whatever a law of nature or a standard of conduct, was fundamental, having continuous and uniform force, and that exceptions could exist in only the applications of the principle. For instance, veracity as a principle is "good faith between those within the bonds of good faith." In the relations of speech to fact there are said to be permissible variations. It is affirmed that speech need not conform to reality when one is conversing with the wholly insane or with those whose manifestly malign intent puts them beyond the pale of mutual obligation.

Would the author of Panamá policy claim for himself not only exceptions in the practical modes of veracious speech, but also exceptions in the rule itself? In view of the President's acts and utterances as related to the Panamá imbroglio of 1903, one might be at least half pardoned for so thinking. The clear terms, the indubitable intent, the time-honoured interpretation of the treaty of 1846 he haughtily set aside, substituting therefor his egotistic **Sic volo, sic jubeo, stet pro ratione voluntas** — "I took the Canal Zone"!

But there is a second ardent appeal, and this time to our own "national interests and safety." That also is revelatory of the appellant. Was it perceived by others than the President, at 12.51 midday of November 6, 1903, that our national welfare, even to the verge of natonal peril, was hinged on the immediate construction of an Isthmian canal? According to the statistics of population and **pro rata** wealth, of production and trade, of education and religion, we were fairly prosperous and making commendable progress. We were at peace with all nations. Domestic insurrection was not apprehend. It was thought by some that we were al-

ready in need of the ancient admonition, "The pride of thine heart hath deceived thee, O thou that dwellest in the clefts of the rock, that holdest the height of the hill." During the years in which the sucessful digging of the canal has been going on, has it been generally felt that we were trembling in the world power-balance, timidly awaiting deliverance? When the canal is finally opened, will our national well-being be suddenly and completely assured? Yet the self-hypnotized Executive, who says, "I took the Canal Zone," "I am interested in the canal because I started it," asks us to condone his betrayal of a trustful ally, on the patriotic ground that our own national safety was at stake, and that there was no warrant for another instant's delay! National well-being is not thus secured. He who "has established his throne in the heavens and whose kingdom ruleth over all" acquits none who work iniquity and are unrepentant. The Persians have the proverb, "When even one wronged child cries in the dark, the throne of God rocks from side to side."

It remains that we consider the President's excuse of "a mandate of collective civilization." Herein the "mandatary" of progres-

sive humanity rises far above mere patriotic zeal? He sees, as through the midsts of apocalyptic vision, an indeterminate and indeterminable something which he calls "collective civilation." He appears to have been in such trance as befell the man of the land of Uz:

> "Now a thing was secretly brought to me,
> And mine ear received a whisper thereof;
> Then a spirit passed before my face;
> It stood still, but I could not discern
> The appearance therefore."

It will ever be regretted that the user of the phrase "collective civilization" did not attempt to define it. Is it possible that he adumbrated the slow accretion of human betterments through political and social organization; the fair evolutions of art and literature; the consummate achievements of liberty under law; the infinitely precious fruitage of religious aspiration? May he have dimly seen the endless procession of those who had gone by the crimson path of martyrdom to receive earth's undying gratitude and heaven's unending acclaim? May he, by proleptic realization, have felt what

Wordsworth calls "incommunicable ecstasies" as he dreamed of the progress yet to be made, the felicities yet to ve won? Let us endeavour thus to suppose. But even so, how could he think that from such high source there had come to him alone the mandate which conferred autocratic power? In what hour of rapt meditation did he hear the voice which bade him move unhesitatingly, unshrinkingly, to the goal of his desire? In connection with what celestial sign did he read the words **In hoc signo vinces?** "Collective civilization," whatever it may mean, if issuing any kind of mandates, issues mandates utterly at variance with the self-will which "took" the Canal Zone while treaties grasped, and diplomacy stood bewildered, and international jurisprudence averted her astonished sight. It were a moral fatuity, on the very face of it, to imagine that the greatest good of the greatest number could possibly be subserved by flouting good faith and reckoning Providence as a co-conspirator against essential justice. Yet the self-appointed protagonist of imperial efficiency still declares,

"We did harm to no one, save as harm is done to a bandit by a policeman who deprives him of his chance for blackmail."

The verdict of history reads, "The policeman himself under the guise of friendship, he smote the innocent and plundered the defenseless!"

He who hurried with "Tarquin's ravishing strides" to make irrevocable Colombia's dismemberment still argues that his "position as the mandatary of civilization" was fully recognised by the powers, as witness "the promptitude with which, one after another," they followed his lead "in recognizing Panamá as an independent State." Therein he again takes to himself the sole responsibility; and therein he is in perfect accord with the facts. He adopted the child before it was born. He midwifed its birth. He certified, for what the certificate was worth, that the child was not a bastard. He safeguarded its puny, puling infancy. He lifted it, cradle and all, to the seat of the mighty. He gained for it world-wide recognition. Consequently, he might not divest himself of responsibility, even though he would! But the powers, in following his lead, did not thereby approve

his act. Their course was not only perfunctory, but also virtually compulsory. They could scarcely do aught else than "recognize" the new nation on whose political status the President of the United States had set his official, though tarnished, seal.

Finally, the restless, strenous "doer of things," the seizer of the Canal Zone, asserts his worthiness of the unfading laurel. He triumphantly declares:

"The United States has many honorable chapters in its history, but no more honorable chapter than that which tells of the way in which the right to dig the Panamá Canal was secured, and of the manner in which the work itself has been carried out."

The raid on defenseless Colombia, in the interest of a swift indomitable construction of an Isthmian waterway, made to vie with the heroic settlement of a new continent, in the interest of civil and religious freedom! The "fifty-mile order" and its congener of the following day, foredooming a "guaranteed" ally to defeat by secession, ranked with the proclamation which gave freedom to enslaved millions! The coddled Panamá "uprising," insured in advance, set in the il-

lustrious category of Lexington and Bunker Hill, Valley Forge and Yorktown! The recognition of a new sovereignty, after one day, seventeen hours, and forty-one minutes of pampered, flimsy, independence, favorably compared with an independence which was won by years of ceaseless conflict and the sacrifice of treasures untold! Such a treacherous rending of one of their number as has awakened dismay and distrust in all the Southern republics put on a par with that reconstruction of a Northern Union which has heartened the friends of democracy in all parts of the world!

Is it possible that there should be condonation of the President's "taking" of the Canal Zone, because inwoven with the plottings of self-centred ambition there was the hastening of a national and international good? Therein also is there "an exception to the principle" that right is right, sacred and eternal? Is the end to sanctify the means? Then Ahab's rape of Naboth's vineyard was well, provided he "took" it for a public park. Then the rich man's seizure of the poor man's one ewe lamb was fair, if therewith he enlarged his feast for the hungry. Then Judas Iscariot may be acquited with ap-

plause, if only he was a thief in order to pay his honest debts, and a traitor that he might quiet disturbance and strengthen "law and order" in the land.

Here let the chapter of national dishonor close its record. Let the final verdict be rendered as required by the law and the facts. Let the prime actor in that national dishonor take his place as determined by the same law and those same facts. **Fiat justitia!**

Meantime, the treatment of Colombia demands that "just and ample redress" of which Mr. Seward spoke. Our national honor was dragged in the mire. It ought to be rescued from its disgrace. With propriety we might repair to the Hague Tribunal, humbly bespeaking such penalty as that High Court might declare to be right. Until reparative action is somehow taken, the national reproach abides. Save as we, nationally, make the **amende honorable,** "great Neptune's ocean" will not remove the stain. The "damned spot" will still persist. There is grim satisfaction in the poet's words:

"Yea, and though we sinned and our rulers went
from righteousness;
Deep in all dishonor though we stained our
garment's hem;
Oh, be ye not dismayed,
Though we stumbled and we strayed;
We were led by evil counsellors—the Lord shall
deal with them."

Yet the satisfaction is mingled with pity for those same evil counsellors, as we recall the inspired declaration:

"And in covetousness shall they with feigned words make mercandise of you: whose sentence now from of old lingereth not, and their destruction slumbereth not."

LIBRARY OF CONGRESS
0 015 818 545 3